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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

13 **CHRISTINA ELIZABETH MARIN**
14 **11671 Beach Comber Lane**
Victorville, CA 92392

2011-722

ACCUSATION

15 **Registered Nurse License No. 711633**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 30, 2007, the Board of Registered Nursing issued Registered
24 Nurse License Number 711633 to Christina Elizabeth Marin (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2012, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
7 that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
9 Nursing Practice Act.

10 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
13 Code, the Board may renew an expired license at any time within eight years after the expiration.

14 6. Section 2761 of the Code states:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 (a) Unprofessional conduct.

18

19 7. Section 2762 of the Code states:

20 "... [I]t is unprofessional conduct for a person licensed under this chapter to do any
21 of the following:

22 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a
23 licensed physician or surgeon, dentist, or podiatrist administer to himself or
24 herself, or furnish or administer to another, any controlled substance as defined in
25 Division 10 (commencing with Section 11000) of the Health and Safety Code or
26 any dangerous drug or dangerous device as defined in Section 4022."

27

1 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in
2 any hospital, patient, or other record pertaining to the substances described in
3 subdivision (a) of this section.

4
5 **COST RECOVERY**

6 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **CONTROLLED SUBSTANCES**

11 9. Pursuant to Health and Safety Code section 11055 (b), the following are controlled
12 substances and fall within Schedule II of the Uniform Controlled Substances Act:

13 (a) Codeine; and

14 (b) Hydrocodone (Vicodin is a combination of Hydrocodone and Acetaminophen) .

15 **STATEMENT OF FACTS**

16 10. Oasis Medical Staffing, located in Upland, California, is a nurse registry that provides
17 nursing services to local hospitals. Oasis Medical Staffing provides these services, among other
18 contract facilities, to Chino Valley Medical Center (CVMC), located in Chino, California.

19 11. On or about November 2009, Respondent was employed by Oasis Medical Staffing
20 and was assigned to work at CVMC as a registry nurse.

21 12. On or about December 18, 2009, a complaint was filed with the Board of Registered
22 Nursing by Oasis Medical Staffing, regarding medication discrepancies pertaining to Respondent,
23 Christina Marin. The medication discrepancies occurred during one shift at the CVMC
24 Emergency Room on November 5, 2009, while Respondent was on duty as a registry nurse.

25 13. On or about November 5, 2009, a post Pyxis audit by the pharmacy at CVMC
26 revealed the following discrepancies regarding Respondent's signing out of the medications
27 Vicodin and Tylenol with Codeine, for five different patients:
28

1 (a) Patient A - Medical Record No. 343181: One (1) tablet of Vicodin was ordered and
2 signed as given to patient by Respondent, but two (2) tablets of Vicodin were removed.

3 There was no physician's order or documentation to support this medication order.

4 (b) Patient B - Medical Record No. 180949: No order for Vicodin was made for this
5 patient. Respondent removed four (4) tablets of Vicodin. There was no physician's order
6 or documentation to support this medication order.

7 (c) Patient C - Medical Record No. 308835: One (1) plain Tylenol was ordered and
8 signed as given by Respondent, but two (2) Tylenol with Codeine were removed. There
9 was no physician's order or documentation to support this medication order.

10 (d) Patient D - Medical Record No. 295670: No order was made for Vicodin. Two (2)
11 Vicodin tablets were removed by Respondent. There was no physician's order or
12 documentation to support this medication order.

13 (e) Patient E - Medical Record No. 354512: No order for Vicodin was made as to this
14 patient. Two (2) Vicodin tablets were removed. There was no physician's order or
15 documentation to support this medication order.

16 14. Respondent was interviewed regarding the discrepancies described above in
17 paragraph 13. Respondent stated that the emergency room is very fast paced and there is often
18 miscommunication between the nurses and the doctor on staff. When asked why she did not
19 document any of the above medications in the nursing notes, Respondent stated that documenting
20 in the MAR is sufficient, because she was taught documenting in the nursing notes is "double
21 work" and not needed. Respondent stated this is what she was taught in nursing school.
22 Respondent did admit to inefficiency in documentation.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 15. Respondent is subject to disciplinary action under section 2761, subdivision (a), on
26 the grounds of unprofessional conduct in that Respondent failed to fully document the
27 administration of medications to five patients on November 5, 2009, as more fully described in
28 paragraph 13 above.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct Relating to Controlled Substances)**

3 16. Respondent is subject to disciplinary action under section 2762, subdivision (a), on
4 the grounds of unprofessional conduct in that Respondent obtained and possessed controlled
5 substances without a physician's order with regard to five (5) patients, as more fully described in
6 paragraph 13 above.

7 17. Respondent is subject to disciplinary action under section 2762, subdivision (e), on
8 the grounds of unprofessional conduct in that Respondent made grossly incorrect, inconsistent, or
9 unintelligible entries in hospital and patient records pertaining to controlled substances, as more
10 fully described in paragraph 13 above.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 711633, issued to
15 Christina Elizabeth Marin;

16 2. Ordering Christina Elizabeth Marin to pay the Board of Registered Nursing the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.
20
21

22 DATED: 2/23/11
23

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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